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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,600	06/26/2001	Jun Andoh	210290US3	8667

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EXAMINER

THOMAS, BRANDI N

ART UNIT PAPER NUMBER

2873

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/888,600

Applicant(s)

ANDOH ET AL.

Examiner

Brandi N Thomas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 October 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Action*.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 6/26/00. It is noted, however, that applicant has not filed a certified copy of the 2000-190578 application as required by 35 U.S.C. 119(b).
- 2.

### *Information Disclosure Statement*

3. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 8/19/002. An initialed copy is attached to this Office Action.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The term rib is not clear because it is uncertain as to what a rib is.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 4, 8, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (5257138).

Regarding claims 1 and 12, Yamaguchi discloses a lens (20) adhered to a lens holding member (38). The stopper (46) is fixed to the lens at one angle and the lens holding member at a different angle (see figure 6). The lens is precisely fixed to a desired position on the holding member (col. 5, lines 15-19).

Regarding claim 3, Yamaguchi et al. discloses an ultraviolet hardening type adhesive agent (UV bond) is poured between the lens barrel and the lens holding member (col. 7, lines 27-33). It is inherent that the holding member is transparent for the light that hardens the adhesive agent.

Regarding claim 4, Yamaguchi et al. discloses the first attaching member and the second attaching surface of the lens holding member are perpendicular (see figure 6).

Regarding claim 8, Yamaguchi et al. discloses the optical axis is arranged between the lens in the lens barrel and the photoconductor, making the optical axis parallel to the lens barrel (col. 7, lines 17-26).

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Regarding claim 16, Yamaguchi et al. discloses an image forming apparatus (fig. 7) with a lens (20) adhered to a lens holding member (38). The stopper (46) is fixed to the lens at one angle and the lens holding member at a different angle (see figure 6). The lens is precisely fixed to a desired position on the holding member (col. 5, lines 15-19).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (5257138) in view of being well known in the art.

Regarding claims 6 and 7, Yamaguchi et al. discloses that the lens holding member is connected to a cylindrical lens barrel (see figure 6) and it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the cylindrical lens barrel of Yamaguchi with a lens having a flat side for the purpose of stable mounting, since Yamaguchi's mounting structure would better accommodate a flat side of a lens.

Regarding claim 9, Yamaguchi does not disclose a lens with a flat side. The examiner takes official notice that it is well known in the art to grind the side of a lens from a round surface to a flat surface and it would have been obvious to grind the side of the lens for stable mounting.

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10. Claims 2, 11, 13-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (5257138) as applied to claims 1 and 6 above, and further in view of Kawakami et al (4780739).

Yamaguchi et al. substantially teaches the claimed invention except that it does not show a photoelectric transforming member, as in claims 2 and 11. Kawakami et al shows that it is known to provide a photoelectric transforming member for converting light to an electrical signal. Therefore it would have been obvious to someone of ordinary skill in the art to combine the device of Yamaguchi et al. with the photoelectric transforming member of Kawakami et al for the purpose of canceling vibration and transferring image data to an image processing section.

Kawakami et al. further discloses, as in claim 13, a cover separating the lens system and the solid state image device (col. 3, lines 6-9 and fig. 3).

Kawakami et al. further discloses, as in claim 14, the use of a plurality of optical elements (col. 6, lines 10-12).

Kawakami et al. further discloses, as in claim 15, an imaging device that utilizes a photoelectric transforming member (see figure 3).

Kawakami et al. further discloses, as in claim 17, an imaging device with a cover separating the lens system and the solid state image device (col. 3, lines 6-9 and fig. 3).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (5257138) as applied to claim 1 above, and further in view of Umetsu (6361177 B2).

Yamaguchi et al. substantially teaches, as in claim 10, the claimed invention except that it does not show a spacing member. Umetsu shows that it is known to provide a spacing member

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for securely holding the lens. Therefore it would have been obvious to someone of ordinary skill in the art to combine the device of Yamaguchi et al. with the spacing member of Umetsu for the purpose of aligning the optical axis.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsai et al. (5936239) discloses a lens holder for a scanning system.

Bedzyk (5210648) discloses a lens mount for positioning a cylindrical lens in x, y, z and  $\theta_x$ ,  $\theta_y$ ,  $\theta_z$  directional degrees.

Farcella et al. (5680260) discloses an optical element assembly in which at least two optical elements are oriented and spaced accurately with respect to one another.

Ruffell (5526194) discloses an optical element support for supporting optical elements adjacent to a lens of a camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N Thomas whose telephone number is 703-308-3095. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703-308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4883.

*BNT*

BNT  
October 22, 2002

*Ricky Mack*  
RICKY MACK  
PRIMARY EXAMINER